

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CEDARCRESTONE, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:12-CV-4673-K
	§	
AFFILIATED COMPUTER	§	
SERVICES, LLC n/k/a XEROX	§	
BUSINESS SERVICES, LLC,	§	
	§	
Defendant.	§	

ORDER

Before the Court are Plaintiff's: (1) Motion to Strike or Exclude the Opinion Testimony of K. Scott Van Meter (Doc. No. 166); and (2) Motion to Exclude or Strike Opinion Testimony of Xerox's Non-Retained Experts McGloughlin, Matsko, and Noack. The Court finds that the testimony of K. Scott Van Meter is relevant and reliable. *See* FED. R. EVID. 702. Under *Daubert*, "[v]igorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence." *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 596 (1993). Therefore, the Court **DENIES** Plaintiff's motion to exclude the testimony of K. Scott Van Meter. Furthermore, the Court finds that Defendant's disclosure of its three non-retained experts, McGloughlin, Matsko and Noack, sufficiently complied with Federal Rule of Civil Procedure 26(a)(2)(C). *See* FED. R. CIV. P. 26(a)(2)(C). Therefore, the Court **DENIES** Plaintiff's

motion to exclude or strike the opinion testimony of non-retained McGloughlin, Matsko, and Noack.

SO ORDERED.

Signed September 8th, 2014.

A handwritten signature in cursive script, reading "Ed Kinkeade", written in black ink.

ED KINKEADE

UNITED STATES DISTRICT JUDGE